



BANGLADESH OPEN UNIVERSITY

Gazipur - 1705

DRAFT BANGLADESH OPEN UNIVERSITY COPYRIGHT POLICY 2014

PURPOSE

This copyright policy is intended to provide clarification and guidelines for BOU academics, staff and learners regarding the ownership (copyright) of created works and the practices for the publication, use, reuse, remix and distribution of material.

TITLE OF THE POLICY

This policy will be named as '*Bangladesh Open University Copyright Policy 2014*'.

BACKGROUND

Ownership of the created works is a crucial issue for Bangladesh Open University (BOU) as it creates and uses educational materials (print, audio and visual) that are developed by resource persons outside (commissioned by BOU) and inside the university. This copyright policy provides clarification and guidelines for BOU academics, staff, contract workers and learners regarding the ownership (copyright) of created works and the practices for the publication, use, reuse, remix and distribution of material.

The policy is consistent with and gives effect to BOU's position on intellectual property. Within BOU, the ownership of copyright is assigned to the creator. BOU supports the principles of open education and as a default position recommends that the created materials should be open to public for the benefit of the society. BOU Copyright Policy is aligned with the requirements of the Copyright Act 2000 (and periodic amendments).

The University fully understands that there will be circumstances when it would be inappropriate to make research or other content openly accessible to the public. There will be instances where we may wish to protect our intellectual property or there may be ethical, commercial or cultural reasons for protecting material.

DEFINITIONS

In this policy, the following terms are defined as below.

Intellectual property (IP) refers to the exclusive rights including economic and moral rights arising from creative works developed to support teaching and learning.

Outputs are the tangible products that are created by an individual or group of individuals. This may include, for example, course design documents, learning materials, curricula, and learning activities expressed in any tangible form including print, video, audio and digital formats.

Outcomes are the consequences and benefits which may arise from the development of, or use of, IP for example, strategic collaborations or monetary return on IP.

Copyright is the subsection of IP law which grants original creators (authors, musicians, artists and other creators) and owners by virtue of creative works produced in the course of employment, the rights of ownership and protection against unauthorized uses of their works for a fixed period.

Licenses refer to the legal mechanisms and tools for copyright holders to grant permissions and/or specify conditions for the use of copyrighted works.

Open Educational Resources (OER) are resources and materials used to support education that may be freely accessed, reused, modified and shared by, - anyone.

Open Distance Learning (ODL) is defined as a planned programme of study, which is characterized by the:

- Separation of the teacher from the learner in time and/or space,
- use of various technologies to mediate the separation, including: print, audio or video materials, and/or information and communications technologies (ICTs).
- three-way communication so that learners can interact with the institution, tutors and/or other learners;
- possibility of face-to-face meetings for tutorials, learner-learner interaction, laboratory or practice sessions; and
- use of industrialized processes, where there is a division of labour that contributes to reduced unit costs through economies of scale.

Open schooling refers to any of a range of flexible approaches, using open & distance learning methods, to provide structured opportunities for studying at different levels.

Ownership of IP and outputs arising from intellectual activity refers to those materials that are created by BOU or by any staff or external resource persons for BOU commissioned work subject to BOU copyright in terms of the agreement with authors. The BOU will only derive benefits from the outcomes.

Co-ownership of IP and outputs arising from intellectual activity refers to those materials that are jointly owned by the BOU and a staff member where such activities are identified within the employment agreement or subject to specific agreement for co-ownership.

Exclusive ownership refers to IP that is created when the BOU has specifically commissioned the work or is part of a staff members' employment contract to undertake specific work that will result in the development of IP as part of the employer's business.

Ownership by a third party refers to IP created through work that is undertaken for an external party. All such work will be managed by contractual arrangements which will include an agreement to undertake work, defining the basis of that work, and including how IP will be managed and owned in advance of the work being undertaken.

Creative Commons (CC) licenses refers to the options provided by the suite of Creative Commons [<http://creativecommons.org/>] licenses. The license option chosen is determined by the type of material being published. The following licensing options are recommended under this policy:

Attribution (CC BY): This license lets others distribute, remix, tweak, and build upon your work, even commercially, as long as they credit you for the original creation. This is the most accommodating of the licenses offered, in terms of what others can do with your works licensed under Attribution.

Attribution-ShareAlike (CC BY-SA): This license lets others remix, tweak, and build upon your work even for commercial purposes, as long as they credit you and license their new creations under the identical terms. This license is often compared to open source software licenses. All new works based on yours will carry the same license; so any derivatives will also allow commercial use.

THE POLICY

Statutory compliance: This policy complies with national copyright act named 'Copyright Act 2000' and all further amendments to it.

Default position: While BOU ensures compliance with the national Copyright Act 2000 and the further amendments, the default licensing position of BOU is to license the materials it owns under a Creative Commons Attribution 4.0 license (CC BY). Any work that uses Bangladesh Open University as a platform for its presentation, BOU's preference is for a Creative Commons Attribution 4.0 (CC BY) license. If this license option is not applied, then it would be expected that the BOU be advised of this and be given an indication of when this may be reviewed.

APPLICATION

1. Publications by Staff

- 1.1 The default position recommended by Bangladesh Open University is that the Creative Commons Attribution 4.0 (CC-BY) or Creative Commons Attribution ShareAlike 4.0 (CC-BY-SA) license is used. The application of a CC-BY license would permit the application of a more restrictive license including all rights reserved in alternate publications or derivative works.
- 1.2 Material specifically commissioned by BOU or created in the course of employment are excluded from the provisions for authors to apply more restrictive licenses in 1.1 above as the license is determined by the specific contractual agreement.

- 1.3 The responsibility for adhering to the provisions of the Copyright Act belongs to the creator. Where a more restrictive license is applied under the provisions of this policy for third party publications including for example book chapters or journal articles, the author should advise BOU of the application of more restrictive licenses.
- 1.4 When using Bangladesh Open University as a platform for presenting work, the BOU's preference is that Creative Commons Attribution 4.0 (CC-BY) or Creative Commons Attribution ShareAlike 4.0 (CC-BY-SA) license is applied. If this licence option is not used then it would be expected that the BOU be advised of this indicating the reasons for not adopting the open default license under this policy and when this choice will be reviewed.

2. Publications by Students

- 2.1 All published work that uses material from the work of others must adhere to all the requirements of copyright and publication irrespective of the license choice.
- 2.2 Publication and licensing of the work of students is to be determined by the student. The University recommends the use of the Creative Commons Attribution 4.0 (CC BY) license. The licensing of any publication of student work in conjunction with a staff member must be agreed in writing prior to such publication.

3. Publications specifically commissioned by BOU

- 3.1 The default position for works specifically commissioned by BOU is that the Creative Commons Attribution-ShareAlike 4.0 CC BY-SA license be used unless determined otherwise in writing by BOU authority.

4. Publication of course materials and associated documents in the course of employment

- 4.1 The copyright of course materials and associated documents that are developed by BOU staff in the course of employment are owned by BOU by virtue of the employment relationship to BOU. The default position by BOU is that the Creative Commons Attribution 4.0 (CC BY) or Creative Commons Attribution-ShareAlike 4.0 (CC BY-SA) will be used unless determined otherwise in writing by BOU authority.

5. Publication of BOU documents

- 5.1 The default position for works specifically commissioned by BOU is that the Creative Commons Attribution-ShareAlike 4.0 (CC BY-SA) license be used unless determined otherwise in writing by BOU authority.
- 5.2 For programme documents produced by BOU, the publication will use the Creative Commons Attribution-ShareAlike 4.0 (CC BY-SA) license. The following statement is to be included on the copyright page of these documents. "© Bangladesh Open University.

Except where otherwise noted, material is licensed under a Creative Commons Attribution-ShareAlike 4.0 license” and should contain the following link to the license deed: <http://creativecommons.org/licenses/by-sa/4.0/>.

5.3 For journals published or produced by BOU, the author will retain copyright and the publication will be licensed under a Creative Commons Attribution 4.0 (CC BY) license aligned with our commitment to open access publishing.

6. Publications as a result of externally contracted activity

6.1 Copyright is determined in accordance with the terms of the contract; however, in contract negotiations, BOU will recommend the CC BY license.

6.2 The copyright of publications in third party journals and other scholarly publications will be as determined by those journals; however, the author(s) should promote use of the default Creative Commons Attribution (CC BY) license of the University unless agreed otherwise.

7. Publication of the work of others

7.1 Will be determined by those individuals with the recommendation that the CC BY license be used.

ADMINISTRATION OF THE POLICY

Effective Date: This Policy is effective from the date of approval by BOU with respect to works created after that date and shall remain in effect until modified or revoked.

Copyright Policy Standing Committee: A Copyright Policy Standing Committee, made up of majority as faculty members and few academic administrators, will address any issues concerning the proper interpretation of this Policy and to resolve any disputes between creators and BOU concerning ownership of works and what constitutes substantial use of BOU resources. Members of BOU community may obtain advice from this Committee.

Review of Copyright Policy: Copyright Policy Standing Committee may review this Policy and its implementation, and if appropriate, recommend revisions to the Policy, including whether to conduct a subsequent review at any time thereafter.